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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,834	12/02/2004	Radi Al-Rashed	50216	7329
22929 SUE Z. SHAP	7590 08/22. ER. P.C.	EXAMINER		
1800 WEST L	-		MARCANTONI, PAUL D	
SUITE 1450 HOUSTON, T	X 77027		ART UNIT	PAPER NUMBER
,			1755	
			MAIL DATE	DELIVERY MODE
			08/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)		
	10/516,834	AL-RASHED, RADI		
Office Action Summary	Examiner	Art Unit		
1	Paul Marcantoni	1755		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timularly and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. the mailing date of this communication. (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on <u>02 December</u> 2a)    This action is <b>FINAL</b> .    2b)    This  3)    Since this application is in condition for alloware closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Disposition of Claims				
4) ☐ Claim(s) 1-25 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-25 are subject to restriction and/or expressions.	vn from consideration.			
Application Papers				
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction of the original than the correction of the correction of the original than the correction of the correct	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>				
Attachment(s)				
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO/SB/08)</li> <li>Paper No(s)/Mail Date</li></ol>	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	te		

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Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-11, 20,21, and 23-25, drawn to an aqueous mixture comprising alkali silicate.

Group II, claim(s) 12-14 and 22, drawn to a method of coating concrete pavement using Group I mixture.

Group III, claim(s) 15-19, drawn to a method of making Group I mixture.

Note 1: If applicants elect Group I, rejoinder is possible upon finding of allowable claims with Group III. However, Group III claims must be of the same scope of the allowable claims to be rejoinable. See In re Ochiaii.

The inventions listed as Groups I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Claim 1 is anticipated or obvious over Patel (US Patent No. 5,356,716).

Patel teaches an aqueous mixture for concrete applications comprisingi alkali silicate, alkali metal alkyl siliconates such as potassium methylsiliconate (see col.3, line 18 and col.2, lines 40-68), surfactant (col.4, line 1), and emulsifiers (col.3, lines 29-52). The shelf life property claimed by applicants would also be a property of Patel's mixture because he teaches the same components in overlapping amounts. As the recited an claimed mixture (claim 1) does not make a contribution over the prior art, unity of invention is lacking and restriction is appropriate.

Note 2: Patel could also have been used in a rejection over Group II because he also teaches a method of coating concrete to create water repellency and also teaches the same steps. Nevertheless, the restriction was made in lieu of Group I.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

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requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Marcantoni whose telephone number is 571-272-1373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Marcantoni Primary Examiner Art Unit 1755